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Backed Certificates, Series 2004-7*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON F/K/A
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF THE
CWABS, INC. ASSET-BACKED
CERTIFICATES, SERIES 2004-7,

Plaintiff,

vs.

SFR INVESTMENTS POOL 1, LLC;
MONTAGNE MARRON COMMUNITY
ASSOCIATION; and ALESSI & KOENIG,
LLC,

Defendants.

SFR INVESTMENTS POOL 1, LLC,

Counter/Cross Claimant,

vs.

THE BANK OF NEW YORK MELLON F/K/A
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF THE
CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2004-7; and JOHN
EDWARD BOSTAPH, JR., individual,

Counter/Cross Defendants.

Case No.: 2:16-cv-00847-GMN-CWH

**STIPULATION AND ORDER TO EXTEND
DISPOSITIVE MOTIONS DEADLINE
PENDING RULING ON MOTION FOR
PROTECTIVE ORDER IN BANK OF
AMERICA, N.A. v. FALCON POINTE
ASSOCIATION, D. NEV. CASE NO. 2:16-cv-
00814-GMN-CWH, ECF NO. 93 [FIRST
REQUEST]**

1 Plaintiff and counter-defendant The Bank of New York Mellon f/k/a The Bank of New York,
2 as Trustee for the Certificateholders of the CWABS, Inc. Asset-Backed Certificates, Series 2004-7
3 (**BoNYM**), defendant, counter- and cross-claimant SFR Investments Pool 1, LLC and defendant
4 Montagne Marron Community Association stipulate to extend the dispositive motions deadline until
5 seventy five (75) days after the Court enters an order on Bank of America, N.A. (**BANA**)'s motion
6 for protective order in *Bank of Am., N.A., successor by merger to BAC Home Loans Servicing, LP*
7 *f/k/a Countrywide Home Loans Servicing, LP v. Falcon Pointe Ass'n*, D. Nev. Case No. 2:16-cv-
8 00814-GMN-CWH, ECF No. 93, as follows:

9 1. BANA filed its complaint on April 14, 2016 asserting a quiet title/declaratory
10 judgment claim against all defendants, breach of NRS 116.1113 and wrongful foreclosure claims
11 against Montagne Marron Community Association and Alessi & Koenig, LLC and an injunction
12 claim against SFR. (ECF No. 1.)

13 2. The Court entered an initial discovery plan and scheduling order on June 21, 2016,
14 setting a November 23, 2016 dispositive motions deadline. (ECF No. 19.)

15 3. The Court administratively stayed this case pending exhaustion of all appeals in
16 *Bourne Valley Court Trust v Wells Fargo Bank, N.A.*, Ninth Cir. Case No. 15-15233, on October 25,
17 2016. (ECF No. 27.) The case remained stayed until November 7, 2017. (ECF No. 35.)

18 4. The parties subsequently filed an amended discovery plan and scheduling order on
19 November 28, 2017, setting a March 7, 2018 discovery cut-off and April 6, 2018 dispositive motions
20 deadline. (ECF No. 39.) The Court approved the amended discovery plan. (ECF No. 40.)

21 5. SFR noticed BoNYM's Rule 30(b)(6) deposition on January 23, 2018. The notice is
22 substantially similar to the notice SFR served on BANA in *Falcon Pointe* last December. (*See*
23 *Falcon Pointe*, ECF No. 93-1 at 7-13.) BANA, through Akerman (who also represents BoNYM in
24 this case) met and conferred with SFR concerning the topics. The parties were unable to resolve
25 their dispute on three topics (*i.e.* topics 5, 8 and 9), but to avoid litigation costs and unnecessarily
26 burdening the Court with substantially-similar motions for protective order, agreed BANA would
27 file only one motion per judicial combination (*e.g.*, BANA would file a motion in *Falcon Pointe*, but
28 would not file one in other cases assigned to Judges Navarro and Hoffman in which SFR served a

1 deposition notice on BANA containing these same three topics), and the parties will apply the
2 Court's ruling in other similarly-situated cases. BANA moved for a protective order in *Falcon*
3 *Pointe* on January 24, 2018. (*See Falcon Pointe*, ECF No. 93.) The motion remains pending.

4 6. BoNYM and SFR subsequently agreed the Court's order on BANA's motion for
5 protective order in *Falcon Pointe*, ECF No. 93, shall apply to SFR's notice of deposition to BoNYM
6 in this case. (ECF No. 50.) SFR also agreed to stay BoNYM's deposition as to all topics pending
7 the Court's ruling on BANA's motion for protective order in *Falcon Pointe*. (*Id.*)

8 7. To allow time for the Court to rule on BANA's motion for protective order in *Falcon*
9 *Pointe*, ECF No. 93, to allow time to complete BoNYM's deposition after the Court makes its ruling,
10 and avoid Rule 56(d) motions in this case, the parties stipulate to extending the dispositive motions
11 deadline until seventy five (75) days from the date the Court enters an order on BANA's motion for
12 protective order in *Falcon Pointe*. The parties further stipulate SFR shall have forty five (45) days
13 to complete BoNYM's deposition after the Court enters an order on BANA's motion in *Falcon*
14 *Pointe*. The parties select these deadlines to allow sufficient time to coordinate a deposition and
15 obtain transcripts before filing dispositive motions.

16 8. The parties do not file this stipulation with the intent to delay, but instead to
17 streamline the anticipated summary judgment briefing and avoid Rule 56(d) motions.

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9. This is the parties' first request to extend the dispositive motions deadline.
This the 26th day of February, 2018. This the 26th day of February, 2018.

AKERMAN LLP

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This the 26th day of February, 2018.

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IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

March 6, 2018

DATED: _____